

**REMARKS REGARDING RESPONSES AND AMENDMENTS****1. Amendment of Drawings**

A discussion of the Drawings is found in the prior pages. The Examiner is urged to find that the substitute drawings provided informally with the 6/3/04 Response and as filed formally on 6/4/04 do not constitute new matter. The Examiner is respectfully requested to receive the Drawings and to allow the claims as amended in the 6/3/04 Response.

**2. Response to the Specification**

The Examiner's comments at page 2 of the Office Action of September 21, 2005 alluded to inconsistencies in numerical references. This issue has been addressed in the prior pages.

**3. Response to Objections at Page 3, Paragraph 1**

At page 3, paragraph 1 the Examiner states that Claim 4 is objected to because of the following informalities: in the 3<sup>rd</sup> line the word [sure] appears to mean -lure-. Claim 4 has been amended to make the correction.

The Examiner is requested to withdraw the objection and to allow the claim.

**4. Response to Rejections under 35 USC 102(b)**

At page 3 paragraph 2-3 the Examiner has rejected claim 1 under 35 USC 102(b) as being anticipated by Patent Number 2482648 to Brandt. The Examiner has rejected claims 1-3 as anticipated by Boullt, under 35 U.S.C. 102(b)..

Regarding the Examiner's rejection of Claim 1, your applicant respectfully draws the Examiner's attention to the structure of the present invention. The present invention

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1 comprises "an elongated primary shaft (10) having a first end (20)....An elongated lure  
2 shaft (40) having a lure shaft first end (50)..." (Specification page 3/lines 7-8). "...Lure  
3 shaft locking means (110) is positioned proximal the first end (20) to secure the lure shaft  
4 first end (50) when a lure or bait has been skewered onto the lure shaft (40)...."  
5 (Specification page 3/lines 12-13). "... The lure shaft (10) locking means is, in the  
6 preferred embodiment, by ferrule means comprised of a double barrel ferrule (110) with  
7 the double barrel ferrule (110) having a first barrel (120) receiving and securing the  
8 primary shaft (10) proximal the first end (20) and having a second barrel (130) receiving  
9 the lure shaft (40) at the lure shaft first end (50)." (Specification page 4/lines 9-13)

10

11 Claim 1 has been amended as follows:

12 d. a fish hook means having a hook shaft; the hook shaft secured by hook shaft  
13 affixing means to the primary shaft proximal the second end; hook shaft affixing means is  
14 by a ferrule (100);

15 e. lure shaft locking means proximal the first end to secure the lure shaft first end;  
16 means proximal the first end to receive fishing leader; lure shaft locking means is by  
17 ferrule means;

18

19 Now, the Examiner's attention is drawn to the structure of Brant, '648 at Column  
20 1/line 52 through Col. 2/line 14. The Examiner will see the disclosure to have a long leg  
21 14 and a short leg 16. There a hook is removedly received at the loop 18 created at the  
22 bend between long leg 14 and short leg 16. The hook shaft affixing means of your  
23 present invention is by ferrule which is a crimping and hence non-removable relationship.

24 Next, the Examiner's attention is drawn to Brant, '648 re: the interconnection  
25 between the long leg 14 and the short leg 16. The Examiner will see that the short leg 16

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1 terminates in a hook 12 which snaps around the long leg 14. The interconnection of your  
2 present invention is by use of a double barrel ferrule. The structures are different. Brant,  
3 '648 does not anticipate your applicants invention either as disclosed or as claimed.

4 The Examiner is respectfully requested to withdraw the rejection of Claim 1 under  
5 Brant '648 and to allow the claim as amended.

6  
7 5. Law regarding 35 U.S.C. 102.

8 A rejection for anticipation under section 102 requires that each and every  
9 limitation of the claimed invention be disclosed in a single prior art reference. (*In Re*  
10 *Paulsen*, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994); For a prior art  
11 reference to anticipate in terms of 35 U.S.C. S 102, every element of the claimed  
12 invention must be identically shown in a single reference. The elements must be arranged  
13 as in the claim under review. (*In Re Bond*, 910 F.2d 831, 832, 15 USPQ2d 1566, 1567  
14 (Fed. Cir. 1990). Prior art anticipates an invention ... if a single prior art reference  
15 contains each and every element of the patent at issue, operating in the same fashion to  
16 perform the identical function as the patented product. "Thus, any degree of physical  
17 difference between the patented product and the prior art, NO MATTER HOW SLIGHT,  
18 defeats the claim of anticipation." (*American Permahedge, Inc. v. Barcana, Inc.*, 857 F.  
19 Supp. 308, 32 USPQ2d 1801, 1807-08 (S.D. N.Y. 1994); It is incumbent upon the  
20 examiner to identify wherein each and every facet of the claimed invention is disclosed in  
21 the applied reference. (*Ex Parte Levy*, 17 USPQ2d 1461, 1462 (Bd. Pat. App. & Int'f  
22 1990)). Since the structures of the cited art differ from that shown herein, the reference  
23 must be discounted as anticipating the present invention.

24 The applicant has demonstrated differences between features of the referenced  
25 prior art and the present invention as specified and claimed. The applicant has presented  
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1 features of the present invention which are not found within the claims of either reference  
2 patent. The applicant has presented law and argument to support the contention that the  
3 rejection of claims 1- 3, under 35 U.S.C. 102(b) should be withdrawn and now  
4 respectfully requests the Examiner to withdraw the rejections.

6 **6. Response to Rejections under 35 U.S.C. 103(a)**

7 At page 4-6, paragraph 4-5, claims 2-4 are rejected as being unpatentable over  
8 '648 as applied to claim 1 in view of Patent No. 2784519 to Ralston et al, '519. The  
9 Examiner has set the rejections in paragraphs 5.b., 5.c. and 5.d.

10 **6.a. Response to Rejection at paragraph 5.b.**

11 At page 4, paragraph 5.b., the Examiner states that "... '648 discloses that the shaft  
12 interconnection means is by wire twist as seen in figure 5, the bend or twist in the wire of  
13 figure 5 is the interconnection means..."

14 Your applicant respectfully requests the Examiner to again view '648 at Fig. 5 and  
15 col. 2/lines 4-6 to see that there is no twist as the interconnection means between the long  
16 leg 14 and the short leg 16. The Examiner is correct that there is a bend between the long  
17 leg 14 and the short leg 16 but there is no twist.

18 The Examiner is respectfully directed to the present invention at Fig. 1, 1B and 2.  
19 There the Examiner will find no evidence of a bend but will find a twist. The Examiner  
20 is respectfully directed to the Specification, page 3/lines 19-26 stating:

21 The lure shaft (40) is connected to the primary shaft (10) by shaft interconnection  
22 means which includes, but as will be recognized by those of ordinary skill in  
23 interconnection arts is not limited to welding, wire wrap, wire twist, and ferrule.  
24 In the preferred embodiment, as seen in Fig 1B, the primary shaft (10) and lure  
25 shaft (40) are composed of a segment of wire with a wire twist to form the  
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1 interconnection and thereby define the primary shaft (10), first end (20) and  
2 second end (30) and the lure shaft (40), the lure shaft first end (50) and the lure  
3 shaft second end (60).

4  
5 Here the Examiner will find interconnection by "means which includes, but as  
6 will be recognized by those of ordinary skill in interconnection arts is not limited to  
7 welding, wire wrap, wire twist, and ferrule." However, there is no teaching of a bend in  
8 the present application or claims. And, '648 does not teach, direct or suggest "twist" as  
9 an interconnection means. Indeed, it is respectfully submitted that an "interconnection"  
10 suggests some structure, other than a "loop 18" seen in '648, which would impede the  
11 installation and use of a hook as is disclosed in '648.

12 In light of this distinction between '648 and your present invention's structure, the  
13 Examiner is respectfully requested to withdraw the rejection under paragraph 5.b. at page  
14 4-5.

15 Additionally, re: '519, the Examiner's attention is respectfully directed to the  
16 disclosure of '519 re: what appears to be a "twist" in Fig. 2 and 6. The Examiner will  
17 find that the "twist" of Fig. 2 and 6 is of leader stock 12 as found at column 2/line 19, col.  
18 2/line 41-42, col. 3/line 1 and col. 3/line 14. Thus there is no teaching of a wire "twist"  
19 interconnection in '519.

20 Additionally, the Examiner will appreciate that '519 is additionally distinguished  
21 from your present means of affixing the hook as seen in Fig. 1B of the present invention.  
22 There, and in amended Claim 1, the Examiner will see that the hook is within a ferrule  
23 while it is depicted, in '519, as dangling free in Fig. 1 in the dashed line portion of the  
24 Figure.

25 Additionally, the Examiner is asked to appreciate that '519 does not suggest in  
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1 Fig. 5 or otherwise in '519, that a long leg and a short leg, as seen in '648, or a "primary  
2 shaft (10) having a first end (20)... An elongated lure shaft (40) having a lure shaft first  
3 end (50)..." as disclosed at your present specification page 3/lines 7-8. Rather, '519  
4 relates and teaches, directs and or suggests "leader material".

5 Your applicant respectfully encourages the Examiner to conclude that neither '648  
6 nor '519 teach, direct or suggest the invention elements of the present invention. The  
7 Examiner is requested to withdraw the rejection of paragraph 5.b.

8

9 **6.a. Response to Rejection at paragraph 5.c.**

10 At page 5 paragraph 5.c. the examiner states that "Re claim 3, '648 discloses that  
11 the rigid material of the primary shaft and lure shaft is a metal wire... '648 also discloses  
12 that the interconnection means is a wire twist of the lure shaft proximal the second end  
13 about the primary shaft proximal the second end as seen in the figures by the turn and  
14 twist of the wire where they connect. '648 also discloses '648 as modified above  
15 discloses that the ferrule is a double barrel ferrule, because as seen in figures of '519 the  
16 ferrule has two barrels connected at a mid point as seen in figure 3, the first barrel is seen  
17 as number 36 and the second as number 34 while the connection is 32. "

18 A review of Webster's New Collegiate Dictionary, Second Edition, reveals the  
19 definition of ferrule as "A short tube or bushing." The Examiner's attention is drawn to  
20 Fig. 3 of '519 where "a short tube or bushing" is seen. That is, there is only one passage  
21 through the tube of Fig. 3 of '519 which is the neck portion 32 or the throat portion 32  
22 (col. 2/lines 36 and 38) or throat bore 32 (col. 2/line 58. The Examiner will see that the  
23 double ferrule 110 of the present invention, seen at Fig. 1A and described in excerpts  
24 previously set out herein, has two "necks, throats or bores" and is unlike the structure of  
25 '519.

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1 Your applicant respectfully asserts that there is but one barrel taught in the ferrule  
2 30 of Fig. 3 of '519 and that '519 does not teach, direct or suggest the double barrel  
3 ferrule 110 of the present invention.. That portion of claim 3 which specifically claims  
4 the double barrel structure is as follows:

5 "c. the lure shaft locking means is by a double barrel ferrule; the double barrel  
6 ferrule having a first barrel receiving and securing the primary shaft proximal the  
7 first end and having a second barrel receiving the lure shaft at the lure shaft first  
8 end;

9  
10 Such structure is not taught, directed or suggested by '519 either alone or in light  
11 of '648. The Examiner is requested to withdraw this rejection of 5.c. and to allow the  
12 claim 3 as presented.

13  
14 The Examiner, in 5.c. also states that '648 does not disclose that the hook shaft  
15 affixing means is a ferrule however, it would have been obvious to one of ordinary skill  
16 in the art to have applied the teachings of '519 into the device of '648 so as to connect the  
17 hook shaft to the primary shaft with a smooth covering ferrule. Your applicant  
18 respectfully encourages the Examiner to conclude that there is no motivation to produce  
19 such a structure in '519 and '648. Specifically, the fact that '519 does not encompass  
20 shafts or "wire" but rather leader stock 12 is a teaching away from the use of a ferrule  
21 relative to this connection. More importantly, the fact that the ferrule 30 of '519 does not  
22 encompass a hook shaft but rather leaves the hook to be free from containment or  
23 restriction in contrast to the teaching of your present disclosure or claims.

24 The Examiner is asked to withdraw this aspect of the rejection of 5.c. and to allow  
25 the claim 3 as presented.

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1           **6.a. Response to Rejection at paragraph 5.d.**

2           At Page 6 paragraph 5.d. the Examiner states "Re claim 4, '648 does not disclose  
3 that the metal wire is tobacco colored however, the examiner takes official notice it is old  
4 and well known in the art to use tobacco colored wire in lures for the purposes of  
5 concealment and ease of manufacture and longevity through the use of copper wire.  
6 Therefore it would have been obvious to one of ordinary skill in the art to have applied  
7 the teachings of colored wire into the device of '648 as modified..."

8           Claim 4 has been amended to strike the claim of tobacco colored wire.

9  
10          At page 6 paragraph 5.d. the Examiner also states, "...Also '648 discloses that the  
11 lure shaft has a spring function as seen in figure 5 of '648, in that the wires of the lure  
12 shaft and primary shaft are forced away from one another." Your applicant respectfully  
13 disagrees with the Examiner's conclusion that the relationship of the short leg 16 is a  
14 "spring function".

15          Your applicant respectfully refers to '648 column 2/line 1-4 stating that  
16          "...these members are formed has a resiliency capable of yieldably maintaining the  
17 hook 12 in engagement with the relatively long leg 14, as shown in Figs. 1 and 2.  
18 The short leg is created by rebending the wire from which shank 10 is constructed  
19 back upon itself..."

20  
21          And also at column 2/line 15-20 stating:

22          When the fish hook 20 is to be removed, the hook 12 is disengaged from the  
23 relatively long leg 14 and the inherent resiliency of the material from which the  
24 parts of shank 10 are made will cause the legs 14 and 16 to assume the position  
25 shown in Fig. 5...."

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1 Your applicant respectfully suggests that '648 Fig. 5 and the above referenced  
2 portions of the application disclose that permanent deformation does not occur when the  
3 long leg 14 is engaged with the short leg 16 rather than disclosing that a "spring function"  
4 exists as is claimed in claim 4 of the present application. '648 thus discloses "resiliency"  
5 rather than a "spring function". The Examiner is referred to Webster's New Collegiate  
6 Dictionary, Second Edition for the definition of "resilient" as "*Mech.* capable of  
7 withstanding shock without permanent deformation or rupture." Thus, "resiliency" is not  
8 a "spring function". The Examiner is respectfully directed to the "hook 12" of the short  
9 leg 16 which engages the long leg 14. This means of interconnection is not the "spring  
10 function" of the present disclosure and claim.

11 Your applicant respectfully urges the Examiner to conclude that the "resiliency"  
12 of '648 does not teach, direct or suggest the "spring function" of the present invention.  
13 Your applicant respectfully requests the Examiner to withdraw the rejection of 5.d. and to  
14 allow claim 4 as amended.

15  
16 **7. Law regarding 35 U.S.C. 103.**

17 The absence of a feature similar to the feature or features of the present invention  
18 are respectfully argued as references which teach away from the disclosed and claimed  
19 invention and thus are not appropriately a basis of rejection under 103. *In re Gurley* 27  
20 F.3d 551 at 553(1994 cafc). In general a reference will teach away if the line of  
21 development flowing from the references disclosure is unlikely to be productive of the  
22 result sought by the applicant. The lack of a spring function in Boullet does not flow  
23 toward the spring function between the primary shaft and the lure shaft of the present  
24 invention.

25 The Examiner has urged prior art alone and in combination as rendering obvious

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1 the present invention. However, there is not demonstrated teaching, suggestion or  
2 motivation to so combine the several components in the manner done by your present  
3 applicant. Such recitation of prior art does not form a basis for rejection as obvious. C.R.  
4 Bard, Inc. v. M3 Systems, Inc., 157 F.3d 1340, 1361, 48 USPQ2d 1225, 1240 (Fed. Cir.  
5 1998), rehearing denied & suggestion for rehearing in banc declined, 161 F.3d 1380 (Fed.  
6 Cir. 1998) ("The ultimate question is whether, from the evidence of the prior art and the  
7 knowledge generally available to one of ordinary skill in the relevant art, there was in the  
8 prior art an appropriate teaching, suggestion, or motivation to combine components in the  
9 way that was done by the inventor."); Chiuminatta Concrete Concepts, Inc. v. Cardinal  
10 Industries, Inc., 145 F.3d 1303, 1312, 46 USPQ2d 1752, 1759 (Fed. Cir. 1998) ("for a  
11 claim to be invalid for obviousness over a combination of references, there must have  
12 been a motivation to combine the prior art references to produce the claimed invention.");  
13 Kahn v. General Motors Corp., 135 F.3d 1472, 45 USPQ2d 1608 (Fed. Cir. 1998), cert.  
14 denied, 119 S. Ct. 177 (1998); Fromson v. Anitec Printing Plates, Inc., 132 F.3d 1437,  
15 1447, 45 USPQ2d 1269, 1276 (Fed. Cir. 1997), cert. denied, 119 S. Ct. 56 (1998) ("there  
16 is no suggestion or teaching in the prior art to select from the various known procedures  
17 and combine specific steps, along with a new electrical structure, in the way that is  
18 described and claimed by [the patentee]."); Gambro Lundia AB v. Baxter Healthcare  
19 Corp., 110 F.3d 1573, 1578-79, 42 USPQ2d 1378, 1383, 1384 (Fed. Cir. 1997) ("the  
20 record must provide a teaching, suggestion, or reason to substitute computer-controlled  
21 valves for the system of hoses in the prior art. The absence of such a suggestion to  
22 combine is dispositive in an obviousness determination."; "Without a suggestion or  
23 teaching to combine, [the accused infringer's] case of obviousness suffers a significant  
24 deficiency."); Kolmes v. World Fibers Corp., 107 F.3d 1534, 1541, 41 USPQ2d 1829,  
25 1833 (Fed. Cir. 1997) (the district court did not err in holding the patent in suit not invalid  
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1 for obviousness; the patent concerned a cut-resistant yarn for use in making products such  
2 as gloves, which, unlike prior art yarns, did not use metallic components such as wire; the  
3 yarn includes two core strands wrapped in opposite directions around two covering  
4 strands; one core strand is fiberglass; the other core strand and the covering strands are  
5 nylon or other material; the patent's claim required, inter alia, that there be a two strand  
6 core and that the covering strands be "wrapped about said core at the rate of 8-12 turns  
7 per inch."; a prior art reference showed a yarn with a wrapping rate of 2-24 turns per inch,  
8 but the reference disclosed the use of wire, and the accused infringer "has shown no  
9 suggestion or motivation to modify the teaching of the [reference] with regard to  
10 non-metallic fibers."); Litton Systems, Inc. v. Honeywell, Inc., 87 F.3d 1559, 1568, 39  
11 USPQ2d 1321, 1327 (Fed. Cir. 1996) ("[N]one of the prior art references, alone or in  
12 combination, teach or suggest a method [specified in the patent's claims]. The prior art  
13 simply does not contain many limitations in the claimed method. Furthermore, the record  
14 discloses no teaching or suggestion to combine any of these references. The absence of a  
15 suggestion to combine is telling in an obviousness determination."); B.F. Goodrich Co. v.  
16 Aircraft Braking Systems Corp., 72 F.3d 1577, 37 USPQ2d 1314 (Fed. Cir. 1996),  
17 discussed at N. 12.10(1) infra; Pro-Mold and Tool Co., Inc. v. Great Lakes Plastics, Inc.,  
18 75 F.3d 1568, 37 USPQ2d 1626 (Fed. Cir. 1996); Beachcombers, International, Inc. v.  
19 WildeWood Creative Products, Inc., 31 F.3d 1154, 1161, 31 USPQ2d 1653, 1659 (Fed.  
20 Cir. 1994) (the patent claims in suit were not obvious in view of the prior art because the  
21 art did "not remotely suggest configuring" the device as required by the claim);  
22 Heidelberger Druckmaschinen AG v. Hantscho Commercial Products, Inc., 21 F.3d 1068,  
23 1072, 30 USPQ2d 1377, 1379 (Fed. Cir. 1993) ("When the patented invention is made  
24 by combining known components to achieve a new system, the prior art must provide a  
25 suggestion or motivation to make such a combination."). Texas Instruments Inc. V. U.S.

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1 Int'l Trade Comm'n, 988 F.2d 1165, 26 USPQ2d 1018 (Fed. Cir. 1993) for the  
2 proposition that obviousness is not supported where the references do not demonstrate to  
3 combine to produce the invention as presently disclosed.

4 The issue of viewing the present invention as a template is an inappropriate basis  
5 for rejection on the basis of obviousness. The prior art "references in combination do not  
6 suggest the invention as a whole claimed in the ... patent. Absent such a suggestion to  
7 combine the references, respondents can do no more than piece the invention together  
8 using the patented invention as a template." *Heidelberger Druckmaschinen AG v.*  
9 *Hantscho Commercial Products, Inc.*, 21 F.3d 1068, 30 USPQ2d 1377 (Fed. Cir. 1993  
10 where the court held that "The motivation to combine references can not come from the  
11 invention itself."

12 The applicant respectfully submits that the references, alone and in combination,  
13 otherwise must constitute improper use of hindsight reconstruction. *In Re Pleuddeman*,  
14 910 F.2d 823, 828, 15 US PQ2d 1738, 1742 (Fed. Cir. 1990); *In Re Mahurkar Patent*  
15 *Litigation*, 831 F.Supp. 1354, 28 US PQ2d 1801 (N.D. Ill. 1993). The cases cited stand  
16 for the rule that decomposing an invention into its constituent elements, finding each  
17 element in the prior art, and then claiming that it is easy to reassemble these elements into  
18 the invention, is a forbidden ex post analysis. The applicant submits that it is  
19 impermissible to use the claimed invention as an instruction manual or template to piece  
20 together the teachings of the prior art so that the claimed invention is rendered obvious.  
21 The references simply do not teach to combine the requisite features of your applicant's  
22 invention. "Before the PTO may combine the disclosures of two or more prior art  
23 references in order to establish Prima Facie obviousness, there must be some suggestion  
24 for doing so, found either in the references themselves or in the knowledge generally  
25 available to one of ordinary skill in the art.(IN RE Jones, 958 F.2d 347, 351, 21 USPQ2d

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1 1941, 1943-44 (Fed. Cir. 1992)). "Evidence of a suggestion, teaching, or motivation to  
2 combine prior art references may flow, inter alia, from the references themselves, the  
3 knowledge of one of ordinary skill in the art, or from the nature of the problem to be  
4 solved. See Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617. Although a reference need  
5 not expressly teach that the disclosure contained therein should be combined with  
6 another, see Motorola, Inc. v. Interdigital Tech. Corp., 121 F.3d 1461, 1472, 43 USPQ2d  
7 1481, 1489 (Fed. Cir. 1997), the showing of combinability, in whatever form, must  
8 nevertheless be "clear and particular." Dembiczak, 175 F.3d at 999, 50 USPQ2d at  
9 1617." Winner International Royalty Corporation v. Ching-Rong Wang, 202 F.3d  
10 1340(CAFC 2000).

11 The applicant respectfully requests the Examiner to withdraw the 103 rejections  
12 in light of the argument, amendments and responses submitted.

13 **UNEXPECTED IMPROVED QUALITIES.** Your applicant respectfully comments on  
14 the unexpected improved qualities inherent in this disclosure and particularly in contrast  
15 to the disclosures of cited in the Examiner's Action. The recognition that the spring  
16 function between the primary shaft and the lure shaft when the lure shaft is received into  
17 the second barrel as a means of lessening the "throw off" of bait is seen as an unexpected  
18 improvement over the cited art.

19 These stated features solves a concern of fisherman in lessening the likelihood  
20 of loss of bate. "Factors including unexpected results, new features, solution of a  
21 different problem, novel properties, are all considerations in the determination of  
22 obviousness in terms of 35 U.S.C. S 103. When such factors are described in the  
23 specification they are weighed in determining, in the first instance, whether the prior art  
24 presents a prima facie case of obviousness ... When such factors are brought out in  
25 prosecution before the PTO, they are considered in determining whether a prima facie

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1 case, if made based on the prior art, has been rebutted." *IN RE Wright*, 848 F.2d 1216,  
2 1219, 6 USPQ2d 1959, 1962 (Fed. Cir. 1988), DISAPPROVED IN PART, *IN RE Dillon*,  
3 919 F.2d 688, 16 USPQ2d 1897 (Fed. Cir. 1990), CERT. DENIED, *Dillon v. Manbeck*,  
4 111 S. Ct. 1682 (1991), discussed in CHISUMS at S 5.04[6][d]; *Reading & Bates*  
5 *Construction Co. v. Baker Energy Resources Corp.*, 748 F.2d 645, 223 USPQ 1168 (Fed.  
6 Cir. 1984); *IN RE Merchant*, 575 F.2d 865, 869, 197 USPQ 785, 788 (CCPA 1978)  
7 (stressing that there is no requirement that the "unexpected results relied upon for  
8 patentability be recited in the CLAIMS". "It is entirely proper, nevertheless, in evaluating  
9 nonobviousness, for a court to take to account advantages directly flowing from the  
10 invention patented. After all, those advantages are the foundation of that 'commercial  
11 success' which may be evidence of nonobviousness." *Preemption Devices, Inc. v.*  
12 *Minnesota Mining & Mfg. Co.*, 732 F.2d 903, 907, 221 USPQ 841, 844 (Fed. Cir. 1984).

13 The applicant has set forth arguments and law for the basis upon which prior art  
14 cited under 35 U.S.C. 103 should not result in a conclusion of obviousness for the present  
15 invention as specified and claimed. The applicant has presented features of the present  
16 invention which are not found within the claims of either reference patent. The applicant  
17 has presented law and argument to support the contention that the rejection of claims,  
18 under 35 U.S.C. 103 should be withdrawn and now respectfully requests the Examiner to  
19 withdraw the rejections.

20

### 21 SUMMARY OF AMENDMENTS AND REMARKS

22 The applicant again thanks the Examiner for the opportunity to informally  
23 discuss the new Final of September 21, 2005. Your applicant has Responded in an  
24 attempt to cure each objection and rejection found in the Office Action.

25 The applicant has made a good faith attempt to accomplished the following:

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27 Certificate of facsimile filing, Application  
28 No. 10/654,834 on January 20, 2005 by  
Floyd E. Ivey in response to Office Action  
of September 21, 2005.

23

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- 1 1. At page 2 of the Office Action – The submission of formal drawings is demonstrated
- 2 by the attached Exhibit 1 which includes the receipt from the USPTO showing transmittal
- 3 of the formal drawings on 6/4/04, the day after the prior Response was filed on 6/3/04.
- 4 2. At page 2 of the Office Action – The existence of significant detail in the Specification
- 5 regarding the “double barreled” ferrule which is depicted in the substituted drawing 1A.
- 6 3. With items 1 and 2 demonstrated, the Examiner has been requested to receive and file
- 7 the substituted drawings with this case.
- 8 4. At page 3 paragraph 1 – an amendment of Claim 4 to comply with the objection.
- 9 5. At page 3 paragraph 3.a. a response to the rejection of Claim 1 in light of ‘648.
- 10 6. At pages 4-6 and paragraphs 5.b., 5.c. and 5.d. – responses to the rejections of claims
- 11 2-4 under 103(a).
- 12 7. Claims have been amended to respond to the Examiner’s Action and arguments and
- 13 clarification have been proffered to provide a basis for withdrawal of the rejections. The
- 14 Examiner has been requested to withdraw the rejections and to allow the claims.

15 Your applicant also respectfully notes that a requirement that additional fees be  
16 paid for further prosecution of this application will likely result in the conclusion of  
17 prosecution. There are policy considerations to be given relative to patent prosecution  
18 which is so burdensome as to eliminate inventors will limited resources from the services  
19 of the USPTO and the possibility of obtaining recognition of inventive qualities of their  
20 inventions.

21 This applicant respectfully requests the Examiner to allow this Response to be  
22 found to comply with the New Final and to be sufficient for the Examiner to allow  
23 claims.

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25

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27 Certificate of facsimile filing, Application  
28 No. 10/654,854 on January 20, 2005 by  
Eloyd E. Ivey in response to Office Action  
of September 21, 2005.

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Respectfully submitted,

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CERTIFICATE OF TRANSMISSION:

The undersigned hereby certifies that this correspondence is being facsimile transmitted to FACSIMILE #571 272 8300 for official filing and to EXAMINER TIMOTHY D. COLLINS, TELEPHONE 571 272 6886 ART UNIT 3643 as a COURTESY COPY TO EXAMINER COLLINS 571/273 6886 on January 20, 2006.

Signature

Floyd E. Ivey

Certificate of facsimile filing, Application  
No. 10/654,834 on January 20, 2005 by  
Floyd E. Ivey in response to Office Action  
of September 27, 2004.

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